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EPA REGIONAL
SUPERFUND BRANCH

Ms. Lavelle,

Following are the comments of CEASE members and residents and representatives of the Cole, Elyria, Swansea and Globeville neighborhoods, to the Feasibility Study and EPA's preferred alternative for the VBI70 Superfund site:

Environmental Justice:

The VBI70 Superfund site includes the Clayton, Cole, Elyria, Swansea and southwest Globeville neighborhoods. The population of the neighborhood residents is predominantly people of color. In the Cole, Elyria and Swansea neighborhoods the population is majority Mexican-American/Latino, many Black and some white families. In Elyria, Swansea and Globeville the population is 82% Mexican-American/Latino. In Cole the Mexican-American/Latino population is approximately 70%. In Clayton the majority of the population is divided between Black and Mexican-American/Latino families with a small percentage of white families. (2000 US Census, Piton Foundation)

The Cole neighborhood is the second poorest neighborhood in Denver. Families in the Elyria and Swansea neighborhoods are working class, working poor families and 80% of children qualify for the free lunch program at school. (Piton Foundation) Family income for the homes located in southwest Globeville is among the lowest in the city of Denver.

The 80216 zip code, which includes Elyria, Globeville and Swansea, is the most polluted zip code in Denver - and probably the most polluted zip code in Colorado. In 1998, the last year for which we have TRI data, the 80216 zip code received 2 million pounds of legal hazardous emissions into the air, water and soil. However, TRI data from 1998 do not include hazardous emissions from the 2 interstate highways (I25 and I70), Colorado State highways (Vasquez Blvd., Josephine Street, York Street, Brighton Boulevard, Washington Street) the two petroleum refineries (Conoco and Valero), the Cherokee coal fired power plant, or the dozens of print shops, wood treatment facilities, auto body repair and paint shops, or the 8,400 semi-truck trailers that are stationed at 72 trucking firms located in the 80216 zip code.

The hazardous pollution from the above named sources likely contribute as much, or more, pollution than is reported by TRI.

The factors named above demonstrate that the entire VBI70 site is an Environmental Justice (Environmental Racism) community. Per President Clinton's Executive order, the EPA (and other governmental entities) are required to acknowledge Environmental Justice sites and take steps above and beyond those taken at sites that are not located in Environmental Justice communities.

The Feasibility Study developed by EPA fails totally in its mandate to address Environmental Justice at the VBI70 Superfund site. No mention of Environmental Justice is made in the Feasibility Study. No mention is made of the population being low-income, people of color, or of the historical and ongoing burden of hazardous pollution, the increased rates of cancer (in some cases double or triple what would be expected) or the fact that 40% of the population is composed of youth/children ages 18 and under.

At the VBI70 Work Group meeting on July 11, 2002, the Site Manager was asked why Environmental Justice was not included in the Feasibility Study. She responded, stating that the mandate was met by "letting" us (CEASE) participate in the Work Group. Anthony Thomas, the Clayton representative to CEASE, pointed out that the Presidential Executive Order mandated participation by affected parties (i.e. CEASE). We interpret this mandate to mean that we would have opportunities to assist the EPA in addressing Environmental Justice by taking steps that go above and beyond what is done at non-EJ sites in order to address the current and historical legacy of hazardous pollution forced on our communities.

Instead of assisting the EPA to take bold steps to address the environmental injustices that have been forced on us, we have found ourselves pleading to get action levels for clean-up that protect the health of children and provide permanent solutions for both present and future residents.

In our opinion, EPA's preferred alternative not only fails to address environmental justice, it attempts to shift blame on the victims. This issue will be addressed specifically in the comments that follow.

We request an explanation of EPA's failure to mention or include information about VBI70's demographics and status as an Environmental Justice site. We want EPA to give us an explanation of how the mandate to address Environmental Justice has been met at this site as concerns risk assessment, including cumulative risk, the determination of action levels, and information about how EPA met its obligation to be more diligent and thorough at this site because it is an EJ site.

Also missing in the introduction of the FS is a description of the topography of the neighborhoods. There is no mention of the South Platte River that borders Elyria and is located a half mile east of southwest Globeville. There is no mention of the fact that Globeville, Swansea and Elyria lie in a 100 year flood plain and that a wetlands preservation project has been implemented at the North Side Park that borders Elyria.

We request an explanation for the absence of information and attention to the issue of the flood plain and the wetlands located in the neighborhoods.

VBI70 Work Group:

CEASE and other community members have been involved at this site since the Colorado Department of Health brought in the EPA and the Work Group was convened. We have faithfully attended all Work Group sessions, monthly meetings and conference calls with the ATSDR, meetings to plan and carry out the health care provider education project that was so successful, and meetings to plan and carry out the Health Study Project that is currently underway. When possible, we have also attended technical meetings. Additionally, CEASE holds meetings at least

monthly..

It is very important to the undersigned CEASE members and other community residents to note that when the Work Group meetings first started Bonnie Lavelle wanted us to identify a method for working together that would mitigate or help to prevent disagreements. She said to us that this could be done if we could all agree that we would “trust the science.” We agreed to “trust the science” as long as we could believe that the science is sound. Unfortunately, there are many areas where we feel the science is not sound, or the science has been used to lower the risk to our health, or to avoid EPA’s responsibility to remove the contamination

Site specific information and data:

When the Work Group meetings first started, a consulting firm was hired to give notification of meetings to all members of the Work Group, facilitate meetings, record the minutes and distribute minutes of the meetings to all members. The consulting firm was used only during the first few months of meetings. We are concerned because there are no minutes of subsequent meetings. Much discussion that included questions raised, comments made, and agreements formed is lost because no minutes were taken. For example: during the meetings CEASE consistently raised concerns about Environmental Justice and verbal commitments were made by the EPA to address EJ. Because no minutes were kept these commitments are lost and one consequence is that EJ has not been addressed at this site.

It is true, as we have been reminded, that we are not scientists and do not have a solid understanding of the science that is used to determine the scope and extent of the contamination or the risks to human health. However, members of CEASE and other community members have been involved in other CERCLA and Superfund sites and thus can compare what they have experienced at other sites with the VBI70 site.

VBI70 was named as a Superfund site because the contamination from the Asarco plant in Globeville extended beyond Globeville’s boundaries. The Colorado Department of Health and Environment and Asarco were required by the ROD to continue testing outward from Globeville until they could find the end of the contamination. The end to the contamination has still not been found. What is known is the lead and arsenic trioxide found at VBI70 is the same as that in Globeville. However, given the way this site has been treated by the EPA, it would seem that no connection to Globeville or Asarco ever existed.

Instead of using information from the Globeville site (e.g. default values, action levels) as a point of departure, EPA, has treated this site as if it were unique and without precedent. They have chosen, instead using default values, to do “site specific studies.”

The EPA has: (1) Used a pig study to determine the bioavailability and health risk of arsenic in children and used this information to set action levels for arsenic. (2) Used a pig study to determine the bioavailability and health risk of lead in children.

EPA did the tests and used the information to set action levels although it is understood that tests on animals are not good predictors of human response and, in the case of arsenic, it is known that people - especially children - are much more sensitive to arsenic than animals.

CEASE members supported the bioavailability studies because we believed that if anything could be learned from the studies that would help not only our own families but people in other communities, then something positive could come from our experience.

The community learned after the study was done that the information from the a single pig study would be used to change the way action levels are set at this site - because the information was site specific. Had we understood this in advance we would at least have consulted Dr. Kossnett and Dr. David Mellard to get a better understanding before deciding whether or not to support the studies.

The undersigned CEASE members and community residents object using the EPA determining risk by the information from a single study on pigs.

In addition to the above, the EPA, acting on a suggestion from Asarco, specifically stated in the FS that residents may have contaminated themselves with the use of pesticides in our yards. We see no scientific evidence in the FS that arsenic in the community can be definitively identified as coming from pesticides. However, we do know that arsenic trioxide is the type of arsenic found in Globeville. Also, in the recent past, companies that made and sold pesticides have been located near our neighborhoods but the possibility that these companies contributed to the arsenic burden in the neighborhoods has not been addressed. One such company, the Colorado Organic Chemical Company, was located at the Sand Creek Industrial (CERCLA site) and the site was contaminated with arsenic.

Additionally, Dr. Michael Kosnett states in his comments to the FS that the EPA's use of a 1.5 mg/kg-d of arsenic seriously underestimates health risks to community residents. We request that EPA respond to Dr. Kossnett's comments/questions regarding the use of 1.5 instead of 7.0 to determine risk. We also want a response to our questions concerning the science that proves EPA's assertion that residents are responsible for the arsenic trioxide in the community.

Spacial distribution of pollutants:

As has been noted by EPA and ATSDR, the spacial distribution of the arsenic and lead is not even across the site. In many cases homes whose soil have lead and arsenic in them are located next to homes with little or no lead or arsenic. EPA's initial and continuing response to this has been to suggest that residents may have contaminated themselves.

CEASE members have suggested at meetings that there may another explanation for the uneven distribution of the contaminants. We have asked EPA to examine the possibility that there might be another explanation for the distribution but EPA has not acted on our request.

Following is another possible explanation: All five the neighborhoods are very old neighborhoods and in Elyria and Cole much of housing stock is pre 1950's. Elyria is the oldest neighborhood in Denver and Cole is one of the oldest. These two neighborhoods are the most contaminated.

It is probable that all five neighborhoods were contaminated with historical emissions of lead and arsenic by the three refineries that were located most closely to Elyria and Cole. However during the decades after two of the refineries stopped operations, much new and in-fill housing was - and continues to be - developed in all four neighborhoods. When new housing is built the soil is excavated for the foundation, garage, porches, etc. The ground is also turned for landscaping, i.e. grass, trees, shrubs, flowers, gardens, etc.

We believe it is possible that those homes with little or no contamination may have been

built after 2 of the refineries stopped operations and that the contamination could have been disturbed (buried or removed) as the new housing was built. We asked that EPA get records from the city of Denver and compare the age of the homes with the levels of contamination in the yards to see if there is any difference in levels of contamination between older (pre 1940's or 50's) and newer (post 1940's or 50's) homes. This might shed some light on the uneven distribution of the contaminants.

Since Clayton and Swansea are "newer" neighborhoods with fewer older homes, it could be expected, under this scenario, that they would not be as heavily contaminated - as is true at this site.

Margaret Shoenbeck from the Colorado Department of Health did obtain and shared with CEASE and EPA records from the City of Denver that show the ages of the homes in the VBI70 Superfund site. However, CEASE members have been unable to use the records because we do not have access to information about the levels of contamination at the homes that were tested.

We request that EPA compare the age of each of the tested homes to the level of contamination found at the homes to determine if there is any correlation between the age of the homes and the levels of contamination found at that home. We request that EPA share this information with CEASE, ATSDR, CDPHE, and Dr. Michael Kosnett.

Arsenic:

In EPA's preferred plan the action level for arsenic is 128 ppm. At Asarco the action level was 78 ppm. In Eureka Mills, Utah, a community that is 99% white, the action level for arsenic was 77 ppm. We are concerned that at an EJ site the action levels for arsenic would be almost double that of a white community. We would like EPA to fully explain the differences in the communities that would justify such a disparity in treatment.

Listed below are industrial sites located throughout the county, most of which are located next to residential areas, where action levels for arsenic were significantly lower than the 128 ppm. proposed for VBI70. At most of these industrial sites lead was also removed. At all but 4 of these sites lead was removed at 500 ppm - 40 parts per million lower than is proposed for VBI70. In only one case was the action level for lead higher than at VBI70. At that site lead was removed at 600 pm.

Site Name	State	Arsenic clean-up level (mg/kg - ppm)
Rentokil, Inc.	VA	33 ppm
Adam's Plating	MI	6.7 ppm
Silresim Chemical Corp.	MA	21 ppm
Cannelton Industries	MI	12.8 ppm
Allied Chemical & Ironton Coke	OH	0.56 ppm
Interstate Lead Co.	AL	10 ppm
Mid Atlantic Wood Preservers	MD	10 ppm
Whitmoyer Laboratories	PA	21 ppm
Whitehouse Oil Pits	FL	42 ppm

Defense General Supply Center	VA	5.7ppm
USMC Camp Lejeune	NC	23 ppm
Golden Septic Tank Service	SC	18 pm
Sharon Steel Corp	UT	8 ppm
Salem Acres	MA	40 ppm
Sand Creek Industrial	CO	12.7 ppm
Joseph Forest Products	OR	36 ppm
Bonneville Power Administration Ross Complex	WA	32 ppm
Industrial Latex Corp	NJ	3.6 ppm
Facet Enterprises	NY	19 and 17 ppm
Ogden Defense Depot	UT	35 ppm
PAB Oil & Chemical Service	LA	10 ppm
H. Brown Co., Inc.		6.6 ppm
Chemical Insecticide Corp.	NJ	20 ppm
Fairchild Air Force Base	WA	20 ppm
Sinclair Refinery	NY	25 ppm
Oklahoma Refining	OK	25 ppm
Crystal Chemical	TX	30 ppm
Lorentz Barrel and Drum Co.	CA	23 ppm
Ellis Property	NJ	20 ppm

We would appreciate the EPA explaining to us why at industrial sites - where no children live - EPA would set arsenic clean-up levels for soil at levels that are as much as 90% lower than those set at VB70.

We, the undersigned, request that arsenic levels at this site be set at least as low as those in Globeville and Eureka Mills, Utah. That is 77 or 78 ppm and responsive to recommendations by CDPDE and ATSDR that action levels should be set between 42ppm and 128ppm.

Lead:

EPA excluded inhalation of lead through air as a pathway of exposure for lead and arsenic. We would appreciate an explanation, in plain English, of the process used to eliminate inhaling lead and arsenic as a pathway of exposure. EPA did not explain (we don't know if they studied) any potential harm to the South Platte River or the wetlands at Northside Park of runoff from contaminated soil into these bodies of water. We would appreciate an explanation about the lack of information about the river and wetlands.

EPA focused its studies of lead on contaminated soil at residential properties. In the process of studying the soil they also performed limited testing on internal and external paint on a small number of homes (130 of 2,989 homes). We want to know if the science supports making a decision about the entire site based on a sampling of less than 5% of tested homes. We want to know if 130 positive tests is statistically significant for the whole site.

In 130 the homes, EPA found internal and/or external lead based paint. As a result of this

limited testing, EPA states that external and indoor lead based paint are secondary, and significant, contributors to the lead exposure to residents and use this assertion to justify setting the lead removal action levels at 540 ppm. EPA also states, based on 130 homes, that soil is not a significant contributor to the elevated blood lead levels in children at this site. We would appreciate EPA explaining, in plain English, the science that supports these conclusions.

EPA staff have also stated that EPA does not have the authority to remove or treat internal lead based paint. EPA's site manager has never clearly stated - even though we have asked - whether EPA prohibits the removal or treatment of external lead based paint. However, she has not included removal or treatment of lead based paint in the actions to be taken in FS. Dr. Kossnett's comments indicate that EPA may have within its authority the ability to remove or treat both external and internal lead based paint, especially in light of the mandate to address Environmental Justice. We look forward to EPA's response to this issue.

In support of its position related to the lead paint exposures that EPA contends contribute to elevated blood lead levels in children at this site, EPA cites blood lead tests taken years ago by agencies other than the EPA. We are not clear how the results of these old tests, using an unknown protocol, are used to draw conclusions and set action levels at this site. We would appreciate information about the ages of the children tested, the protocol for testing, the dates tests were taken, any relationship between the children tested and lead and arsenic in the soil at their homes and, last, the length of time the children lived in those homes.

Again, please explain to us the "science" that was used to draw the correlations that the site manager described when she explained this at the meetings for public comment on the FS.

We are troubled at the use of site-specific information at this site (i.e. bioavailability tests) when the outcome seems to reduce risk and the use of old tests when current site specific tests for blood lead and urine arsenic in children are currently underway.

The Health Study project, currently underway, involves knocking on every single door in the entire site with the goal of identifying and testing every child up to six years of age for lead and arsenic. This is the most comprehensive testing ever done in the neighborhoods and will result in information that can be used to make decisions based on the actual, rather than estimated, lead and arsenic exposures to children.

We, the undersigned, strongly request that the comments on the Feasibility Study be halted until the data from the Health Study program can be included. We do not think that delaying the FS by three months is significant given the years that we have already committed to this work. In fact, we believe that the inclusion of this information is fundamental to the goal of assessing actual risks to children at the site.

Should EPA choose not to include the data from the Health Study, we request an explanation for the refusal.

The undersigned CEASE members and community residents request that the action levels for lead be 231 parts per million as was done at Eureka Mills unless EPA can provide sufficient rationale for the differences in the sites that mandated lower levels for removal of lead at Eureka Mills.

Should there be some extraordinary reason(s), acceptable to us, for why Eureka Mills was cleaned-up at such a much lower level. We request that lead be removed at 400 ppm, the national

screening level.

Arsenic and Lead:

We are requesting 77 or 78 ppm as the action level for arsenic and 231 ppm as the action level for lead because these action levels would be protective of human health and are measures that have been used at other sites (some of which are industrial). These action levels would help to address Environmental Justice (Environmental Racism) mandates at this site.

Community Health Education Plan:

We view the Community Health Education Plan as a temporary measure that will not, even in the short term, protect children and adults from exposure to arsenic and lead exposure.

Based on budget figures proposed in the FS for the first year, EPA proposes that 4/5 time FTE staffing will be provided to do community education, biomonitoring for children, and source identification and referral for lead abatement for the approximate 4,500 homes located in the site. Case management for the families of children who have elevated blood levels is not addressed. (Attached please find information regarding case management) The budget for CHP will be reduced by 5% each year for the following 5 years.

Although the CHP is not fully developed, some specific actions are named. For example, the health educator will use publications such as La Voz and local newspapers to educate residents. LaVoz does not distribute its newspaper in this neighborhood. They do have 2 drop-off sites (Cross Community Coalition and El Centro Su Teatro) in the community where about 40 papers are dropped off weekly. This is clearly insufficient to reach even all of the Spanish speaking population (and assumes that all people can read). The local newspapers do not publish in Spanish but 42% of families in Elyria, Globeville and Swansea identify Spanish as their primary language.

CHP also states that "individual" outreach education will be provided. Given that the Health Study project (that has 10 staff working 40 hours each per week, knocking on every door) resulted in only 100 arsenic and lead tests in its first 2 months, it seems impossible that at a 4/5 time FTE could knock on every door and do "individual" outreach to every home even once in a year.

If the goal is to do individual education to only those homes where a child is identified with elevated as/pb levels, the staff person(s) would have to constantly update their information about homes where ownership or renters have changed and new children are living in order to test those children. Again, this seems impossible for a 4/5 time FTE.

At the base, however, it seems that the goal is to change behavior. Dr. Kosnett and Dr. David Mellard agree that pica behavior in small children is probably innate and cannot be changed. If this is true, the behavior change must occur in the parent(s), child care provider, or older children in families who take care of their younger siblings while parents are at work. It follows then, that should a child have elevated levels of metals in their bodies, the fault will be that of the parent, child care provider or older sibling who did not effectively "manage" exposure to the contamination. This is an injustice.

Most important, however is the fact that Community Health Education, however long it lasts, is a temporary solution. Only the contamination is permanent.

We, the undersigned CEASE and community residents requests action levels of 77 or 78 ppm arsenic and 231 ppm lead be set, that at least 3 FTE staffing be provided for the CHP, and that Community Health Education be fully funded during the years that clean-up activities are being implemented.

Risk Assessment Studies:

We are concerned about the use of pig studies, information from Asarco, Monte Carlo and the ISE to determine risk and set action levels at this site. We feel that, to some degree, the people at this site may have been used as "guinea pigs" for new technologies or processes. We cannot make this statement definitively but we do have concerns, especially given outcomes that seem to reduce risk assessments.

We would appreciate information from EPA about other sites where these same processes were used and how the risk assessment outcomes at those sites compare to the risk assessment outcomes at VBI70. We would like information about sites where the same processes were used to determine risk, i.e. how many sites, what sites and where the sites are located

Additionally, CEASE has many times expressed its disappointment at the total lack of accessibility and accountability of Dr. Chris Weis. He only attended about 2 Work Group meetings and was present, briefly, at 2 community meetings during the entire RI/FS process. Many of the questions we have asked in this document could have been addressed before now if Dr Weis had been available. We do understand that he was very busy in Lubby, Montana and appreciate the extremely serious needs at that site. However, we do feel that this site was neglected because instead of dealing with a qualified, accessible EPA staff, we had only infrequent contact with a consulting firm and its employee, Bill Bratt, and this contact happened at technical meetings whose topics were highly technical and, therefore, inaccessible to us.

Environmental Justice;:

We request that the EPA address Environmental Justice at this site by setting action levels based on cumulative exposures (at least 77-78ppm arsenic and 231ppm lead), developing a Community Health Education Program that is comprehensive, culturally competent and fully funded, and that the EPA respond fully and completely to the requests for information contained in these comments.

We believe that the FS is an incomplete document given the lack of information about the community, the lack focus on Environmental Justice, the failure to include the results of the Health Study Project in calculating risk, a Community Health Program that is insufficient to meet the stated goals, and the setting action levels that will not provide a permanent solution that reduces risk for both present and future residents at this site.

We respectfully requests that the FS be withdrawn and public comment stopped until issues raised by CEASE, community residents, Dr. Kossnett, ATSDR and the Colorado Department of Public Health and the Environment are addressed and resolved.

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